

MARDIROSSIAN & ASSOCIATES, INC.

A PROFESSIONAL LAW CORPORATION

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August 9, 2011

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

TO: City Clerk
303 W. Commonwealth
Fullerton, CA 92832

City of Fullerton, Police Department
237 W. Commonwealth
Fullerton, CA 92832

In accordance with Government Code § 910 et. seq., **FREDERICK R. THOMAS** and **CATHY THOMAS**, ("Claimants") hereby make claims against the City of Fullerton and City of Fullerton Police Department, and make the following statements in support of the claim:

1. The post office address of Claimant Frederick R. Thomas is [REDACTED] 2754 Via Media, Cypress, CA 90630, and the post office address of Claimant Cathy Thomas is [REDACTED] 1256 Galway Street, Placentia, CA [REDACTED]
2. Notices concerning the claim should be sent to:

Garo Mardirossian
Mardirossian & Associates, Inc.,
6311 Wilshire Boulevard, CA 90048
3. Claimant Frederick R. Thomas is the father of decedent KELLY THOMAS. Claimant Cathy Thomas is the mother of decedent KELLY THOMAS.
4. The date and time of the incident giving rise to this claim is July 5, 2011, at approximately 8:30 p.m. The place of the incident giving rise to this claim is the Fullerton Transportation Center located at 122 E. Commonwealth Avenue in Fullerton, CA 92832.
5. The circumstances giving rise to this claim are as follows: At the above date and place decedent KELLY THOMAS, an unarmed individual weighing

approximately 145 pounds, was seated on a bench at the Fullerton Transportation Center when he was approached by officers of the Fullerton Police Department. During this encounter at least six (6) Fullerton Police officers used excessive and deadly force on decedent KELLY THOMAS. The Fullerton police officers, without justification and acting under color of law, individually and in unison severely beat decedent KELLY THOMAS with their fists and with objects and subjected decedent KELLY THOMAS to excessive applications of Tazer electricity and to numerous forms of excessive and deadly force under circumstances in which KELLY THOMAS was subdued and restrained and represented no threat of harm to the Fullerton Police officers, causing the death of decedent KELLY THOMAS. The officers' use of lethal force was excessive and objectively unreasonable. The officers' acts and omissions deprived decedent KELLY THOMAS of his rights secured under the First, Fourth, and Fourteenth Amendments to the United States Constitution to be free in his person against unreasonable search and seizure, his right to be free from infliction of cruel and unusual punishment, and his right not to be deprived of life, liberty and property without due process of law.

6. Claimant's injuries are severe. The above described killing of decedent KELLY THOMAS deprived Claimants of their constitutionally protected interest in the familial love, comfort, companionship, support and society of their son, decedent KELLY THOMAS. Claimants have been and will forever be deprived of the love, affection, society, companionship, support and pecuniary benefits of decedent KELLY THOMAS.
7. The claim as of this date is in an amount that would place it within the unlimited jurisdiction of the Superior Court. The claim is based on the City of Fullerton and the City of Fullerton, Police Department's violations of civil rights, unlawful customs and practices, conspiracy, and negligence.

DATED: August 9, 2011

MARDIROSSIAN & ASSOCIATES, INC.



Adam Feit, Esq.
(On behalf of Claimants FREDERICK R.
THOMAS and CATHY THOMAS)